

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLEE**

77-2050

B
P/5

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

CIVIL ACTION NO. 77-2050

ROY E. CARROLL

Plaintiff-Appellant

v.

JOHN R. MANSON, Commissioner of Correction, et al

Defendants-Appellees

On Appeal from the United States District Court for the
District of Connecticut

BRIEF FOR APPELLEES

CARL R. AJELLO
ATTORNEY GENERAL for the
State of Connecticut

BERNARD F. McGOVERN, JR.
CHRISTINA G. DUNNELL
Assistant Attorneys General
30 Trinity Street
Hartford, Connecticut 06115

L. D. McCALLUM
ASSISTANT ATTORNEY GENERAL
340 Capitol Avenue
Hartford, Connecticut 06115

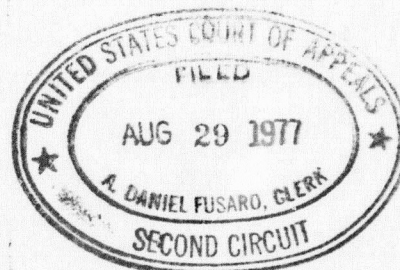


TABLE OF CONTENTS

	Page(s)
Table of Cases	i
Table of Statutes and Other Authorities	ii
Statement of the Issues	iii
Statement of the Case	1-3
Argument	4
I. THE PLAINTIFF WAS NOT DENIED DUE PROCESS BY THE INTRODUCTION OF EXAMPLES OF INEFFICIENCY NOT SPECIFICALLY SET FORTH IN THE DEMOTION LETTER.	4-8
II. THE WRITTEN DECISION RENDERED BY THE PERSONNEL APPEAL BOARD WAS CONSTITUTIONALLY ADEQUATE	9-10
III. THE PLAINTIFF IS NOT ENTITLED TO REINSTATEMENT AND DAMAGES	10-11
IV. COLLATERAL MATTERS	12
a. The Post-Demotion Hearing Violated No Federal Right	12
b. Summary Judgment was Appropriate to Determine the Case	13
c. Remaining Contentions of the Plaintiff	14
Conclusion	14-15
Certification	16
Addendum	

TABLE OF CASES

	Page(s)
<u>Armstrong v. Manzo</u> , 380 U.S. 545, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965)	5
<u>Arnett v. Kennedy</u> , 416 U.S. 134, 94 S.Ct. 1633, 40 L.Ed.2d 15 (1974)	12
<u>Bishop v. Wood</u> , 426 U.S. 341, 96 S.Ct. 2074, 48 L.Ed.2d 684 (1976)	15
<u>Board of Regents of State Colleges v. Roth</u> , 408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972)	4
<u>Burr v. New Rochelle Municipal Housing Authority</u> , 479 F.2d 1165 (2d Cir. 1973)	9
<u>Caramico v. Secretary of Department of Housing and Urb. Dev.</u> , 509 F.2d 694 (2d Cir. 1974)	9
<u>Goldberg v. Kelly</u> , 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970)	5, 7
<u>Haines v. Kerner</u> , 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972)	12, 14
<u>Haymes v. Regan</u> , 525 F.2d 540 (2d Cir. 1975)	9
<u>Johnson v. Glick</u> , 481 F.2d 1028 (2d Cir. 1973)	11
<u>Joint Anti Fascist Refugee Committee v. McGrath</u> , 341 U.S. 123, 71 S.Ct. 624, 95 L.Ed. 817 (1951)	4, 8
<u>McIntyre v. New York City Department of Correction</u> , 411 F.Supp. 1257 (S.D.N.Y. 1976)	12, 13
<u>Mt. Healthy City Board of Education v. Doyle</u> , ___ U.S. ___, 97 S.Ct. 568, 50 L.Ed.2d 471 (1977)	11
<u>Mullane v. Central Hanover Bank & Trust Co.</u> , 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950)	5
<u>Rocker v. Huntington</u> , 550 F.2d 804 (2d Cir. 1977)	11
<u>Wagner v. Connecticut Personnel Appeal Board</u> , 170 Conn. 668, 368 A.2d 20 (1976)	6, 15
<u>Wood v. Strickland</u> , 420 U.S. 308, 95 S.Ct. 992, 43 L.Ed.2d 214 (1975)	11

TABLE OF STATUTES AND OTHER AUTHORITIES

	Page(s)
Connecticut General Statutes:	
Section 4-177	6
Section 4-180(c)	10
Section 4-183(d)	10
Section 5-202(c)	3
Section 5-205	3
Regulations:	
Section 14-6, Regulations of Civil Service Commission (Now recodified as Section 5-240-2, Regulations of Connecticut State Agencies)	6
Other:	
Friendly, <u>Some Kind of Hearing</u> , 123 U.Pa.L.Rev. 1267	9

STATEMENT OF THE ISSUES

The statement of the issues included in the plaintiff's brief is not congruent with the substantive issues presented to and decided by the district court. The issues before the district court were:

In the context of a state administrative personnel proceeding demoting a permanent public employee to a lower rank for inefficiency:

1. Whether the Due Process Clause of the Fourteenth Amendment to the United States Constitution was violated by the alleged lack of particularized notice or by the introduction at an administrative hearing of evidence allegedly outside the scope of notice.

2. Whether the Due Process Clause of the Fourteenth Amendment was violated by the rendering of a written decision allegedly lacking detailed findings of fact.

STATEMENT OF THE CASE

This is an appeal from a final decision and judgment of the United States District Court for the District of Connecticut, Judge Jon O. Newman, entered April 11, 1977, denying a demoted public employee reinstatement and damages. Jurisdiction in this court is pursuant to 28 U.S.C. §1291.

The action was brought, pro se, alleging deprivation of federally protected rights pursuant to 42 U.S.C. §1983 and its jurisdictional counterpart 28 U.S.C. §1343(3) attendant to the plaintiff's demotion in the permanent classified service of the State of Connecticut from Correctional Lieutenant to Correction Officer.

The defendants moved to dismiss the initial complaint, without prejudice, pursuant to Rule 8(a)(2), Federal Rules of Civil Procedure for failure to make a short and plain statement of the claim showing that the pleader is entitled to relief. At a hearing on the motion the court, Newman, J., candidly discussed the complaint with the plaintiff and inspected various papers tendered by the plaintiff. Judge Newman explained the scope of jurisdiction of the court and informed the plaintiff that the complaint, while possibly stating grievances cognizable in other forums, stated only two possible federal issues. The motion to dismiss was granted with leave to file an amended complaint.

The plaintiff filed an amended complaint essentially congruent with the narrowed issues and the defendants moved for summary judgment. The plaintiff raised no issue of material fact in opposition to the motion for summary judgment and the court, Newman, J., entered judgment for the defendants. The plaintiff appeals.

On November 23, 1973, the defendant, Raymond Coyle, Correction Centers Administrator for the Connecticut Department of Correction sent the plaintiff, Roy E. Carroll, a letter (Appendix p. 13) notifying Mr. Carroll that he was being demoted from Correctional Lieutenant to Correction Officer for inefficiency. The letter discussed Mr. Carroll's difficulties in some detail citing eight examples of inefficiency in two institutions under several wardens over a period of time. The letter notified Mr. Carroll of his right to a hearing to contest the action before the Personnel Appeal Board, an independent state administrative board existing to hear such matters.

Mr. Carroll exercised his right to a hearing. He requested (Appendix p. 5) and was granted (Appendix, p. 6) a postponement of the first scheduled hearing. Eventually, administrative hearings before the Personnel Appeal Board to contest the demotion were held on four days spaced over a month's time (Appendix, p. 11). Mr. Carroll was represented by counsel and had the opportunity to call and cross-examine witnesses (Appendix, p. 11). The

The Personnel Appeal Board had a liberal policy with respect to continuances (Appendix, p. 12). In all nineteen witnesses testified (Appendix, p. 11). The Personnel Appeal Board had the power of subpoena, Section 5-205, Connecticut General Statutes (Addendum p. 5) and full authority to order remedial action, Section 5-202(c), Connecticut General Statutes (Addendum, p. 4).

During the course of the hearing the Board received evidence on the eight examples listed in the demotion letter. Additionally, the Board allowed, over objection, the introduction of evidence relevant to the central issue of inefficiency but regarding incidents not particularly set forth in the demotion letter.

In due course, the Personnel Appeal Board rendered a written decision sustaining the demotion action (Appendix, p. 16). The Board found that the plaintiff was demoted for inefficiency and that the testimony and exhibits supported the reasons listed in the demotion letter. The decision did not make detailed findings of fact.

The plaintiff did not pursue available judicial review in the state court but rather, brought this action two years later alleging deprivation of civil rights.

A R G U M E N T

I

THE PLAINTIFF WAS NOT DENIED DUE PROCESS BY THE
INTRODUCTION OF EVIDENCE OF EXAMPLES OF
INEFFICIENCY NOT SPECIFICALLY SET FORTH IN THE DEMOTION LETTER

The defendants concede that Mr. Carroll, as an employee of the State of Connecticut with permanent status, had a legitimate interest in continued public employment at his former rank and pay grade safeguarded by due process. Board of Regents of State Colleges v. Roth, 408 U.S. 564, 577, 92 S.Ct. 2701, 2709, 33 L.Ed.2d 548 (1972). This litigation concerns the scope of those due process safeguards which may attach in public employment proceedings and ultimately, whether the claimed deprivations are of constitutional proportion and are of such prejudice to the plaintiff that he is entitled to the relief sought.

The fundamentals of due process require that "a person in jeopardy of serious loss (be given) notice of the case against him and the opportunity to meet it." Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 171-172, 71 S.Ct. 624, 649, 95 L.Ed. 817 (1951) (Frankfurter, J. concurring). The notice must be given sufficiently in advance so that reasonable opportunity to prepare will be afforded and it must clearly

inform the individual of the proposed action and the grounds for it. Goldberg v. Kelly, 397 U.S. 254, 267-268, 90 S.Ct. 1011, 1020, 25 L.Ed.2d 287 (1970). The opportunity must be "appropriate to the nature of the case." Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950), and "at meaningful time in a meaningful manner." Armstrong v. Manzo, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62 (1965).

The plaintiff first claims, in effect, that this fundamental right to "notice and opportunity" was denied him either by the lack of a fully particularized initial notice or by the introduction of evidence outside the scope of the initial notice. He asserts in his Amended Complaint:

"Denial of prior knowledge to the extraneous materials put the Plaintiff at a disadvantage in defending the charges. The plaintiff was unable to call witnesses to challenge or allowed to cross-examine the authors."
(Amended Complaint, Appendix, p. 1)

Similarly he asserts in his brief in this court, at page 8:

"The Appellant was denied the chance for defense, not knowing what new charges were being introduced at the hearing."

Although not directly challenged, the state statutory scheme applicable to the "notice and opportunity" aspects of due process in this case may be noted. The applicable personnel regulations require that the notice

"state the cause and give reasons to support it." Section 14-6.1312, State of Connecticut, State Regulations of the Civil Service Commission Concerning Employment in the State Classified Service, State Personnel Department, 1961, now recodified as Section 5-240-2(b), Regulations of Connecticut State Agencies.

Connecticut also has a Uniform Administrative Procedure Act to which proceedings before the Personnel Appeal Board are subject. Wagner v. Connecticut Personnel Appeal Board, et al, 170 Conn. 668, 368 A.2d 20. With respect to notice, the Act provides that, "The notice shall include... a short and plain statement of the matters asserted..." Section 4-177(b), Connecticut General Statutes.

With respect to the "opportunity" aspect the Act provides that "(a)ll parties shall be afforded an opportunity for hearing after reasonable notice." Section 4-177(a), Connecticut General Statutes., and "Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved." Section 4-177(c), Connecticut General Statutes. (For convenience pertinent portions of the statutes and regulations are set out in an Addendum to this brief).

Neither the applicable fundamental due process standards articulated by the Supreme Court nor the state statutory provisions provide rigid requirements. Each case must, of course, be judged on its individual merits. It

is respectfully submitted that the first sentence of the demotion letter which states:

"This is to notify you that you are being demoted from Correctional Lieutenant to Correction Officer for inefficiency..." (Appendix, p. 13)

meets the constitutional requirement that notice "clearly inform the individual of the proposed action and the grounds for it." Goldberg v. Kelly, supra, and the district court was correct in so holding.

Moreover, the plaintiff's assertion that the introduction of the additional evidence without prior notice precluded a reasonable opportunity to defend and deprived him of the right to cross-examine is simply not true.

In the first place, after the first day of hearing, the plaintiff's counsel asked for the presence of specific individuals for testimony referring

directly to "testimony heretofore had in this case." (Appendix, p. 10). There was a month between the first and last day of hearing. The Board's liberal continuance policy and subpoena power have already been noted. While the plaintiff may have been at a temporary disadvantage upon the introduction of unexpected evidence, there was plenty of time and adequate procedural devices available to marshal a defense. The sworn statement that the plaintiff had the opportunity to call and cross-examine witnesses (Appendix, p. 11) was uncontradicted.

Secondly, the plaintiff had contradicted his own assertions in this regard in other papers filed with the district court.

In his "Plaintiff Brief in Support of Motion for Dismissal: Defendant Motion for Summary Judgment" (Record, Document No. 39) the plaintiff states in one place, "The unspecified testimony and evidence were easily defeated on cross-examination" (p. 3, subparagraph f.2) and in another place, "(D)efendants unspecified charges were met and defeated under cross-examination (p.5, paragraph d.) Thus, by his own statement, the plaintiff did, in fact, have "notice of the case against him and the opportunity to meet it." Joint Anti-Fascist Refugee Committee v. McGrath, supra. He could not possibly sustain a claim of prejudicial deprivation of due process.

THE WRITTEN DECISION RENDERED BY THE
PERSONNEL APPEAL BOARD : CONSTITUTIONALLY ADEQUATE

The plaintiff alleges deprivation of due process in that the written decision rendered by the Personnel Appeal Board upholding his demotion lacked detailed findings of fact.

The short answer is that, insofar as fundamental due process standards may apply to the form and substance of a written decision of a state administrative agency, detailed findings of fact are not necessary so long as the decision includes a statement of reasons sufficient to enable a reviewing body to determine whether the action was taken for an impermissible reason, or no reason at all. Cf. Haymes v. Regan, 525 F.2d 540, 544 (2d Cir. 1975).

In comparing two decisions of this court with respect to the form and substance of written decisions rendered by administrative agencies: "statement outlining the reasons", Burr v. New Rochelle Municipal Housing Authority, 479 F.2d 1165, 1170 (2d Cir. 1973), and "explicit decision(s)... of each issue framed...that adequately disposes of the issue", Caramico v. Secretary of Department of Housing and Urb. Dev., 509 F.2d 694, 701-702 (2d Cir. 1974), Judge Friendly has cautioned:

"In these days when appellate courts themselves are being compelled to omit or abbreviate opinions, they should be careful about imposing unrealistically high requirements upon those who administer mass justice." Friendly, Some Kind of Hearing, 123 U.Pa.L.Rev. 1267, 1292 n. 128.

It is sufficiently clear in this case that the plaintiff was demoted for inefficiency and that the reasons stated in the demotion letter were supported by the evidence. The written decision meets any fundamental due process standard and violates no federal right.

Parenthetically, it may be noted that Connecticut's Uniform Administrative Procedure Act at first simply requires a final decision in a contested case before a state administrative agency to be in writing, Section 4-180(c), Connecticut General Statutes. But, if such a decision is appealed to the state courts under the Act, the agency is then required to include as part of the record "findings of fact and conclusions of law, separately stated." Section 4-183(d), Connecticut General Statutes. Thus, had the plaintiff taken advantage of his statutory right to judicial review in the state court he would have received exactly what he attempts to claim here as a federal constitutional right, i.e. detailed findings of fact.

III.

THE PLAINTIFF IS NOT ENTITLED TO REINSTATEMENT AND DAMAGES

Even if the additional evidence was improperly introduced and even if it may appear that the plaintiff may have been demoted for an impermissible

reason, i.e. one for which he had no notice or opportunity to defend, he is not entitled to reinstatement to his former position and damages.

The rule is that where there is some constitutional infirmity in the proceedings of a public employer, but the court finds that the action taken would have occurred in any event on entirely valid grounds, the employee is not entitled to reinstatement or damages. Mt. Healthy City Board of Education v. Doyle, ___ U.S. ___, 97 S.Ct. 568, 575, 50 L.Ed.2d 471 (1977); Rocker v. Huntington, 550 F.2d 804, 806 (2d Cir. 1977).

Judge Newman correctly found that despite any possible constitutional infirmities in the disputed administrative proceeding, the plaintiff would have been demoted for inefficiency in any event based on the reasons set forth in the demotion letter; reasons which the plaintiff did not challenge in his amended complaint and which do not involve any federal issues.

Moreover, the allegations in the amended complaint are directed generally toward claimed procedural errors attendant to the demotion proceeding. The allegations are not directed in any way against any of the named defendants showing personal responsibility for the claimed deprivations of federally protected rights. The rule in this circuit is that when monetary damages are sought under Section 1983, the general doctrine of respondeat superior does not suffice and a showing of some personal responsibility of the defendant is required. Johnson v. Glick, 481 F.2d 1028, 1034 (2d Cir. 1973). See also Wood v. Strickland, 420 U.S. 308, 322, 95 S.Ct. 992, 1001, 43 L.Ed.2d 214 (1975).

COLLATERAL MATTERS

The foregoing represents argument for the defendants on the substantive federal issues determined by the district court.

Throughout this litigation the defendants have attempted, to the extent possible consistent with their adversary position, to accord the plaintiff's pro se pleadings and legal arguments the liberality mandated by Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972). The defendants have carefully read the plaintiff's brief to determine if there are any federal issues which, regardless of how inarticulately raised, may be appropriately addressed, in passing.

a.

THE POST-DEMOTION HEARING VIOLATED NO FEDERAL RIGHT

A recurring argument set forth in the plaintiff's papers, although not properly alleged in the pleadings of record, is that the post-demotion hearing afforded him to contest the action violated a federal right to due process. It is sufficient to note in this regard that a pre-demotion hearing was not necessary. Cf. Arnett v. Kennedy, 416 U.S. 134, 94 S.Ct. 1633, 40 L.Ed.2d 15 (1974), especially in view of the plaintiff's command level position in the state correctional system. McIntyre v. New York City Dept. of Correction,

411 F.Supp. 1257, 1260 (S.D.N.Y. 1976).

b.

SUMMARY JUDGMENT WAS APPROPRIATE TO DETERMINE THE CASE

The plaintiff appears to take exception to the district court granting summary judgment. What the plaintiff fails to understand in this regard, or perhaps what he takes exception to, is that there were and are only two basic federal issues in this case; those determined by the district court on their merits.

Despite Mr. Carroll's apparent contention to the contrary, there simply was no issue of fact between the parties with respect to those two issues. The documents submitted to the court spoke for themselves, and whatever matter not obvious by inspection of those documents was before the court by way of uncontradicted sworn statements. The defendants, in effect, admitted that some of the evidence introduced at the administrative hearing was on incidents additional to the eight examples listed in the demotion letter. The plaintiff did not contradict the time frames of the hearings and admitted that he did have the opportunity to effectively cross-examine and defend against the allegedly objectionable evidence. There was simply no material factual matter in dispute and no reason to have a trial. It

was precisely the situation governed by Rule 56, Federal Rules of Civil Procedure.

c.

REMAINING CONTENTIONS OF THE PLAINTIFF

The remainder of the issues, allegations, claims, contentions and arguments set forth in the plaintiff's brief simply have nothing to do with the case before the Court. They relate solely to inapplicable federal statutes, pointless citations to common law and the like. A large portion of the brief, excerpts from what purports to be testimony before the Personnel Appeal Board, is outside the record. In the main, the plaintiff has simply continued a pejorative and totally unwarranted diatribe against the defendants and counsel.

To the extent that Haines v. Kerner, supra, may control, the defendants make no formal motion directed against the plaintiff's brief. At the same time, the defendants do not feel obliged to respond.

C O N C L U S I O N

In conclusion, it is submitted that the claimed errors in administrative procedure do not rise to constitutional proportion and, consequently, do not state a claim upon which relief could be granted. Judicial review of the entire administrative proceeding, including many of the claims made in the

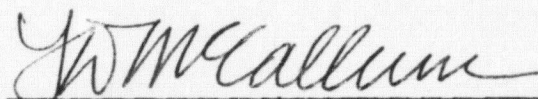
original complaint and continued in the plaintiff's brief in this court, was available in state court, Wagner v. Connecticut Personnel Appeal Board, supra, an option inexplicably ignored by the plaintiff. As the United States Supreme Court has stated:

"The federal court is not the appropriate forum in which to review the multitude of personnel decisions that are made daily by public agencies. We must accept the harsh fact that numerous individual mistakes are inevitable in the day-to-day administration of our affairs. The United States Constitution cannot feasibly be construed to require federal judicial review for every such error. In the absence of any claim that the public employer was motivated by a desire to curtail or to penalize the exercise of an employee's constitutionally protected rights, we must presume that official action was regular and, if erroneous, can best be corrected in other ways. The Due Process Clause of the Fourteenth Amendment is not a guarantee against incorrect or ill-advised personnel decisions." (footnote omitted) Bishop v. Wood, 426 U.S. 341, 96 S.Ct. 2074, 2080, 48 L.Ed.2d 684 (1976).

The district court judgment should be affirmed.

C E R T I F I C A T I O N

A copy of the foregoing Brief for Appellees, Addendum to Appellees' Brief, Appendix and Appellees' Motion to File Appendix, has been served by mail, postage prepaid, on Roy E. Carroll, 639 Courtland Avenue, Bridgeport, Connecticut 06605, this 25th day of August, 1977.

A handwritten signature in cursive script, reading "L. D. McCallum", written over a horizontal line.

LESLIE D. McCALLUM
ASSISTANT ATTORNEY GENERAL

ADDENDUM TO APPELLEES' BRIEF

TABLE OF CONTENTS

Connecticut General Statutes:

Section 4-177(a), (b), (c)	Add. 1
Section 4-180(c)	Add. 2
Section 4-183(d)	Add. 3
Section 5-202(c)	Add. 4
Section 5-205	Add. 5
Section 14-6 Regulations of Civil Service Commission (now recodified as Section 5-240-2, Regulations of Connecticut State Agencies)	Add. 6

SECTION 4-177, CONNECTICUT GENERAL STATUTES

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include: (1) A statement of the time, place, and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

SECTION 4-180(c), CONNECTICUT GENERAL STATUTES

(c) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

SECTION 4-183(d), CONNECTICUT GENERAL STATUTES

(d) Within thirty days after the service of the petition, or within such further time as may be allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review, which shall include the agency's findings of fact and conclusions of law, separately stated. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

SECTION 5-202(c), CONNECTICUT GENERAL STATUTES

(c) The hearing panel shall not be bound by technical rules of evidence prevailing in the courts. If, after hearing, a majority of the hearing panel determines that the action appealed from was arbitrary or taken without reasonable cause, the appeal shall be sustained; otherwise, the appeal shall be dismissed. The hearing panel shall have the power to direct appropriate remedial action and shall do so after taking into consideration just and equitable relief to the employee and the best interests and effectiveness of the state service. The hearing panel shall render a decision within ninety days from the date of the hearing.

SECTION 5-205, CONNECTICUT GENERAL STATUTES

The personnel policy board and the personnel appeal board and any hearing panel thereof shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas and compel the attendance and testimony of witnesses and the production of records, papers and documents pertinent to any investigation or hearing authorized by this chapter or the regulations issued pursuant to this chapter.

SECTION 14-6, REGULATIONS OF CIVIL SERVICE COMMISSION, 1961¹

6.1 Demotion.

- 6.11 An appointing authority may demote an employee with permanent status to a position of a lower grade, classification or salary range for any of the following reasons:

...

- 6.112 For incompetency or inefficiency.

...

- 6.13 An appointing authority may demote for reasons of inefficiency or incompetency when the employee's performance of his duties clearly indicates he is not rendering satisfactory service. Such demotion shall be made not earlier than three months after the satisfactory completion of a working test period.

- 6.131 Notice. An appointing authority demoting an employee for reasons of inefficiency or incompetency shall give the employee written notice which must

- 6.1311 be at least two weeks in advance of the effective date of the demotion.

- 6.1312 state the cause and give reasons to support it.

- 6.1313 notify the employee of his right of appeal within 10 days of the effective date.

...

¹Now recodified as Section 5-240-2, Regulations of Connecticut State Agencies